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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,025

10/02/2003

Ki-Keon Yeom

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06/19/2006

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EXAMINER

KIM, PAUL D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/676,025	<b>Applicant(s)</b> YEOM ET AL.	
	<b>Examiner</b> Paul D. Kim	<b>Art Unit</b> 3729	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/2/03, 1/12/04, 3/10/05</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is a response to the restriction requirement filed on 4/11/2006.

#### ***Response to the Restriction Requirement***

1. Applicant's election with traverse of Group I, claims 1-16, in the reply filed on 4/11/2006 is acknowledged. The traversal is on the ground that search and examination can be made without serious burden between Groups I and II. This is not found persuasive because there are two-way distinctions between Group I and II. Group I does not require a disc centering unit simultaneously pressurize circumferences of the discs to center the discs and Group II does not require a pressure member and a driving unit driving the disc pushers simultaneously.

The requirement is still deemed proper and is therefore **made FINAL**.

2. Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/11/2006.

#### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

Art Unit: 3729

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 and 20 of copending Application No. 10/676,144 in view of Guthrie et al. and Baun.

The limitations in claims 1-9 and 15 anticipate with the claims 1-9 and 20 of copending Application No. 10/676,144.

This is a provisional obviousness-type double patenting rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Baun (US PAT. 4,563,824).

Art Unit: 3729

Baun teaches a disc centering device comprising: a base plate (225) as shown in Fig. 3; a chuck (190) which is installed on the base plate; a hub unit (197) which is detachably engaged to the chuck and receives discs (205, 210, 215) to be stacked; disc pushers (120, 147, 170) which are slidably provided outside of the hub unit and include corresponding pressure members which push circumferences of the discs and center the discs (200) as shown in Fig. 3; and a driving unit (100) which drives the disc pushers simultaneously (see also col. 1, line 43 to col. 5, line 63).

As per claim 5 the disc pushers are provided in a radial direction relative to the hub unit as shown in Fig. 3.

As per claim 9 the pressure members respectively include plate springs (175), which simultaneously pressurize the circumferences of the discs having different diameters as shown in Fig. 3.

7. Claims 1, 3, 5, 6, 8, 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Guthrie et al.

Guthrie et al. teach a disk centering device comprising: a base plate (430); a chuck (450 as shown in Fig. 4) which is installed on the base plate; a hub unit (310) which is detachably engaged to the chuck and receives discs (210) to be stacked as shown in Fig. 3; disc pushers (920, 914 as shown in Figs. 6, 8 and 9) which are slidably provided outside the hub unit and include corresponding plate springs (614) which push circumferences of the discs and center the discs; supporting units (412) which support the corresponding plate springs with respect to the disc pushers so as to reinforce a restoring force of the plate springs (col. 6, line 32 to col. 7, line 6 and col. 11, lines 4-

Art Unit: 3729

67); and a driving unit (1060 as shown in Fig. 10) which slides the disc pushers simultaneously (see also col. 4, line 12 to col. 13, line 22).

Re. Claims 3 and 15: The hub unit comprises a hub body (310), which is detachably engaged to the chuck and receives the discs and a hub cap (1050 as shown in Fig. 10) which moves up or down to clamp the discs stacked with respect to the hub body.

Re. Claim 5: The disc pushers are provided in a radial direction relative to the hub unit.

Re. Claims 6 and 16: The disc pushers include first, second and third disc pushers, which are provided at intervals of 120 degrees with respect to the hub unit as shown in Fig. 4.

Re. Claim 8: The driving unit includes a motor having cylindrical actuators (not shown), which drive the corresponding disc pushers.

Re. Claim 10: a linear guide unit (1082 A, B as shown in Fig. 10) which mounts the disc pushers, wherein the linear guide unit slides the disc pushers according to the driving unit.

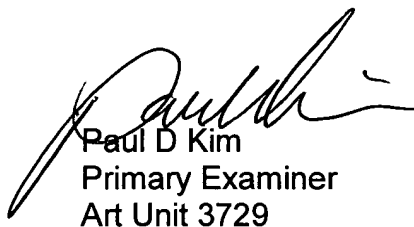
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 6:00 AM to 2:00 PM.

Art Unit: 3729

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul D Kim  
Primary Examiner  
Art Unit 3729